

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Civil Action No. 1:18-cv-322-MR-WCM

IRENE WARREN KENT, Administratrix of)
the Estate of Michele Quantele Smiley,)

Plaintiff,)

v.)

VAN DUNCAN, in his official capacity as)
Sheriff of Buncombe County; WESTERN)
SURETY COMPANY, as surety for the)
Sheriff; CHARLES J. WILHELM,)
individually and in his official capacity;)
EDWARD F. PARKER, individually and in)
his official capacity; MEGHAN T. RIDDLE,)
individually and in her official capacity;)
RYAN P. ZABLOUDIL, individually and in)
his official capacity; MATTHEW C. CORN,)
individually and in his official capacity;)
ETHAN GIBBS, individually and in his)
official capacity; JOHN DOE #1,)
individually and in his official capacity; and)
JOHN DOE #2, individually and in his)
official capacity; TINA COX MILLER,)
LPN; and SOUTHEAST CORRECTIONAL)
MEDICAL GROUP, PLLC,)

Defendants.)

**DEFENDANT SOUTHEAST
CORRECTIONAL MEDICAL
GROUP, PLLC'S MOTION FOR
EXTENSION OF TIME TO
ANSWER OR OTHERWISE
RESPOND TO PLAINTIFF'S
COMPLAINT**

NOW COMES Defendant Southeast Correctional Medical Group, PLLC (herein after "Defendant"), by and through the undersigned counsel, and hereby moves the Court pursuant to Federal Rule of Civil Procedure 6(b) for an order enlarging the time allowed for Defendant to respond to Plaintiff's Complaint. In support of this motion, Defendant shows the following:

1. The Complaint was filed by plaintiff, Irene Warren Kent (hereinafter “Plaintiff”), in the Superior Court of Buncombe County, North Carolina, on October 3, 2018.

2. Defendant was served on or about October 9, 2018.

3. On November 2, 2018, Defendants Van Duncan, Sheriff of Buncombe County, Western Surety Company, as surety for the Sheriff, Charles J. Wilhelm in his official and individual capacity, Edward F. Parker in his official and individual capacity, Meghan T. Riddle in her official and individual capacity, Ryan P. Zabloudil in his official and individual capacity, Matthew C. Corn in his official and individual capacity, Ethan Gibbs in his official and individual capacity, and Southeast Correctional Medical Group, PLLC, timely and properly removed this case to this Court. (DE 1)

4. Defendant’s responsive pleading is currently due on November 9, 2018.

5. Undersigned counsel, however, requests additional time to review the file materials, conduct an investigation, and confer with his client in order to draft an appropriate responsive pleading.

6. Defendant has consulted with Plaintiff, through counsel, and Plaintiff’s counsel consents to Defendant’s request for a 30-day extension of time to respond to the complaint.

7. This motion is filed in good faith for the reasons stated and not for purposes of delay.

WHEREFORE Defendant Southeast Correctional Medical Group, PLLC respectfully requests that its motion for a 30-day enlargement of time to serve an answer or otherwise plead be allowed up to and including the 9th day of December, 2018.

THIS the 8th day of November, 2018

CRANFILL SUMNER & HARTZOG, LLP

BY: /s/Patrick H. Flanagan
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing *Defendant Southeast Correctional Medical Group, PLLC's Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint* with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to the following:

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THIS the 8th day of November, 2018

CRANFILL SUMNER & HARTZOG, LLP

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